

REMARKS

Claims 1-5 and 13-18 were previously submitted by Applicants; however, the Examiner has withdrawn the claims from consideration as being directed to a non-elected invention. As a result, the Examiner has further indicated no claims drawn to the originally presented invention remain in the application.

Applicants take exception to the Examiner's action for reasons which will be discussed below and respectfully request reconsideration, reinstatement of Claims 1-5 and an action on the merits.

Applicants disagree with the Examiner's conclusion that previously submitted Claims 13-18 are directed to an invention that is distinct from the originally claimed compositions. Process claims 13-18 simply call for melt blending a mixture of the first and second EVAs and extrusion coating a substrate therewith. While the Examiner, in support of her argument for distinctness, argues the compositions can be used to produce films of adhesives, she has not provided any basis for her conclusion that blends of EVA resins in the specified MI range of 7 to 35 g/10 min can be successfully fabricated into films. The teachings of the Widiger, et al., reference relied on by the Examiner in her last Office Action would seem to refute the argument. As pointed out in Applicants' prior response, Widiger, et al., which is directed to the production of EVA blend films point out that the use of higher MI blends are less desirable.

Nevertheless, in order to eliminate this issue, Claims 13-18 previously submitted and directed to a process for producing extrusion coated articles have been canceled without prejudice. Applicants reserve the right to prosecute the process claims in a subsequent application.

Applicants further take exception to the Examiner's conclusion that the extrusion coatings of Claims 1-5 are unrelated to the EVA compositions originally claimed in Claims 1-12. The mere fact that Applicants did not choose to include the term

“composition” in Claims 1-5 does not alter the fact that these are products comprised of first and second EVA copolymers used in the same proportions as originally claimed in Claims 1-12. It was not Applicants’ intent to limit the claim to coatings, per se, otherwise, they would have provided some physical description, e.g., coating thickness, for the extrusion coatings. Rather these are compositions as defined throughout the specification and recited in original Claims 1-12. As such, the extrusion coatings of newly submitted Claims 1-5 are not only related but are identical to the EVA compositions of original Claims 1-12.

Applicants use of the term extrusion coating in the preamble of currently amended Claims 1-5 is not a limitation since what follows is a self-contained description of the claimed subject matter. The claims do not depend on the preamble for completeness and the term extrusion coating merely recites a property and contemplated use. Accordingly, whether referred to as an extrusion coating or EVA composition, the inventions are one and the same and they have the same modes of operation and identical functions and effects.

In view of the foregoing, Applicants respectfully submit Claims 1-5 as presented in their reply filed May 9, 2005 are appropriate and should not be withdrawn. However, in order to eliminate this issue from consideration, Claims 1-5 have been amended so they now clearly point out that what is being claimed are extrusion coating compositions.

In view of the cancellation of Claims 13-18, the amendment of Claims 1-5 and the foregoing remarks, Applicants respectfully request reconsideration, reinstatement of Claims 1-5 and favorable action on these claims by the Examiner.

Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance the application toward allowance, she is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald A. Baracka", with a long horizontal flourish extending to the right.

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